

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

|   |                                    |
|---|------------------------------------|
| <b>IN THE MATTER OF:</b>                  | ) <b>Administrative Cause</b>      |
|   | ) <b>Number: 13-004H</b>           |
|   | )                                  |
| <b>READOPTION OF 312 IAC 20</b>           | )                                  |
| <b>HISTORIC PRESERVATION REVIEW BOARD</b> | ) <b>(LSA Document #13-184(F))</b> |

**RECOMMENDATION FOR FINAL ACTION ON READOPTION OF RULE**

**A. INTRODUCTION**

For consideration is readoption of 312 Ind. Admin Code § 20 which governs the Historic Preservation Review Board. 312 IAC § 20 can be accessed through the Legislative Services Agency website at [www.in.gov/legislative/iac/T03120/A00200.PDF](http://www.in.gov/legislative/iac/T03120/A00200.PDF). Rule 1 outlines application and administration. Rule 2 provides definitions that apply throughout the article. Rule 3 assists with defining membership and the conduct of meetings of the Historic Preservation Review Board. Rule 4 governs licensure pertaining to the removal or alteration of historic sites or structures owned by the State or listed on the National Register or Indiana Register of Historic Sites. Rule 6 governs eligibility for the Indiana Register of Historic Sites.

In April 2002, the Commission approved delegations of authority with respect to readoptions. If rules are being readopted in their current form without amendments the Director of the Division of Hearings may approve preliminary action. The Commission retained authority to take final action on readoptions.

The rules codified under 312 IAC § 20 are proposed for readoption without amendment. The Director of the Division of Hearings approved preliminary action on January 8, 2013. The convention is to readopt rules by article, and 312 IAC § 20 is now submitted for consideration as to final action.

**B. READOPTION ANALYSIS REQUIRED UNDER IC § 4-22-2.5-3.1**

Chad Slider, Assistant Director for Environmental Review in the Division of Historic Preservation and Archaeology, is the Small Business Regulatory Coordinator for this rule readoption. Slider provided the following analyses of potential impacts to small business for the proposed readoption of 312 IAC § 20:

**Economic Impact Statement**  
LSA Document #13-184

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**  
**Estimated Number of Small Businesses Subject to this Rule:**

None are anticipated to be subject.

**Estimated Average Annual Reporting, Record Keeping, and Other  
Administrative Costs Small Businesses Will Incur for Compliance:**

None is anticipated.

**Estimated Total Annual Economic Impact on Small Businesses to Comply:**

None is anticipated.

**Justification Statement of Requirement or Cost:**

No cost to small businesses is anticipated.

**Regulatory Flexibility Analysis of Alternative Methods:**

No cost to small businesses is anticipated.

**MOST RECENT SMALL BUSINESS IMPACT ANALYSIS  
REVIEW UNDER IC 4-22-2.5-3.1  
LSA #13-184**

(Administrative Cause No. 13-004H)

**The degree to which the factors analyzed in a previous economic impact  
statement have changed since the statement was prepared**

None have changed.

**Any regulatory alternatives included in the statement under IC 4-22-2.1-  
5(a)(5)**

None.

**Any regulatory alternatives not considered by the agency at the time the statement was prepared could be implemented to replace one (1) or more of the rule's existing requirements**

None.

Executive Order 13-03 requires agencies to “suspend rulemaking action on any proposed rules for which a notice of intent to adopt a rule...was not submitted to the office of the *Indiana Register* on or before January 14, 2013.” The requirements of Executive Order 13-03 were restated, along with additional compliance information, in Financial Management Circular 2013-01. On April 17, 2013 the former DNR Director, Robert E. Carter, Jr. submitted correspondence to the Office of Management and Budget seeking an exception from the moratorium. On May 2, 2013 Christopher D. Atkins, Director, Office of Management and Budget, wrote to all agency heads stating the moratorium set forth in Executive Order 13-03 was not applicable to readoptions, and an exception did not need to be sought or received.

As specified by Executive Order 2-89 and Financial Management Circular 2010-4, fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the Office of Management and Budget on May 29, 2013. In a letter dated July 9, 2013, Christopher D. Atkins recommended that the proposed rule readoption be approved.

**C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION**

On May 15, 2013, the “Notice of Intent to Readopt” 312 IAC § 20 was posted to the *Indiana Register* at 20130515-IR-312130184RNA as anticipated by Ind. Code § 4-22-2.5-2 and IC § 4-22-2.5-4. The notice indicated an intention to readopt the entirety of 312 IAC § 20 without changes. The notice also provided that a person had 30 days to submit a written request to the Commission, through the Small Business Regulatory Coordinator, seeking to have a particular section of the rule readopted separately. If such a request had been made, the Commission would have been required to complete the full rule adoption process for the section requested to be readopted separately.

In this instance, no written request was received. The Commission may either submit the rule for filing with the Publisher under IC § 4-22-2-35 or elect the procedure for readoption under IC § 4-22-2. The recommendation is that the Commission approve 312 IAC § 20 for readoption, without amendment for subsequent filing with the Publisher.

Dated: August 2, 2013

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Stephen L. Lucas  
Hearing Officer